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Retired general says he'll reveal US secrets if put on trial

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MIAMI — Five years ago, Richard B. Collins seemed at the peak of his distinguished, 25-year Air Force career: a two-star general and top aide to then-NATO commander Alexander Haig placed in charge of plans and policy for the US European Command Headquarters in Stuttgart, West Germany.

Collins, then 48, was regarded by colleagues as a "fast burner" who had risen quickly and seemed destined to keep up that pace. He supervised war planning in Europe for all US military services, and conducted various negotiations between Washington and the NATO bloc countries. But if that part of his job ever got tedious, Collins had another responsibility that often took him out of uniform and involved some derring-do: he was charged with managing a secret Swiss bank account that financed military intelligence-gathering in Europe, as well as covert CIA operations in Southeast Asia and elsewhere.

But in January of this year, a federal grand jury in Fort Lauderdale took much of the luster off Collins' career, returning a six-count indictment alleging he had embezzled \$445,000 from the account from November of 1977 to April of 1978. The government says Collins later returned the money but kept some \$40,000 in

interest. Collins, now retired in Fort Lauderdale, has denied the charges and formally notified the government he intends to expose state secrets to defend himself. If convicted, he faces up to 60 years in prison.

Scheduled for trial July 13 in West Palm Beach, the Collins case is emerging as a major test of the federal government's ability to limit the disclosure of classified information involving top secret CIA and military intelligence op-

erations. If it goes to trial as scheduled, the case will mark the first time a federal court has allowed someone with access to classified information to use it in his own defense.

The possible precedent-setting nature of the case was established in a sealed June 3 ruling by US District Judge James C. Paine. Lawyers for both sides confirmed that Paine had decided that Collins' use of classified information was relevant to his defense, and that he, therefore, would be permitted to reveal it at trial. On Monday, the government filed a motion asking Paine to reconsider his ruling, and also to allow some portions of the trial and its record to remain secret.

Under the Classified Information and Procedures Act, a rarely used law passed in 1980, Paine has the right to seal files and clear courtrooms. Portions of the court file remain sealed, and an

earlier hearing to determine the relevance of evidence Collins wanted to reveal was closed to the press. The judge's recent ruling indicates the actual trial will be public, though it is conceivable he could rule that certain documents and the testimony of certain witnesses would remain confidential.

Justice Department spokesman John Russell said the government intends to take Collins to trial, despite Paine's ruling. A high-level Justice source said if

Paine refuses to reconsider his order, it will be appealed. Failing that, the source said, the charges will still not be dropped in deference to Collins' threat to expose secrets.

The CIA declined comment, as did a spokesman for the Air Force, other than to provide Collins' service record.

In an interview here, Collins' attorney, Stephen J. Bronis, denied his client had misused any funds. He said Collins was given

carte blanche to handle money from the Geneva account, but never diverted it for his personal use.

In February, Bronis formally notified federal prosecutors in writing, as required by law, that Collins intended to expose official secrets in his defense. Bronis told the prosecutors Collins would disclose details of the CIA secret Swiss bank account and the "laundering" of funds back to regular US government accounts. The document said other evidence would include Collins' supervision of the Air Force "special plans" unit, which oversaw many CIA operations.

Collins amassed a chestful of medals in his Air Force career. A graduate of the Naval Academy who also holds bachelor's and master's degrees from George Washington University, Collins flew 104 combat missions during the Vietnam War.

In 1978, Collins retired from the Air Force with a 13-gun salute and a commendation from his boss, Haig, who is expected to be called as a witness at the trial.

Bronis says his client, in his last position — as director of plans and policies for the Air Force — also served as the "nuclear release officer" for Europe, meaning he was the man who actually would have pushed the button to release nuclear weapons in the event of war. The Air Force denies this.

Once a member of the Air Force's elite, Collins, who has de-

clined recent interview requests, has found it difficult to adjust to being treated as a suspected criminal. Surrounded by drug dealers at his arraignment in February, he remarked to reporters: "You can understand the reason I'm upset. I've been straight my whole life . . . I took a look around and thought, 'After 25 years, it has come to this.'"

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